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Dated: 4/6/05

Signature:

*Judy Bridgewater*  
(Judy Bridgewater)

Docket No.: 350292000500  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Kouji MATSUSHIMA et al.

Application No.: 09/202,791

Filed: (Int'l.) June 26, 1997

For: THERAPEUTIC AGENT FOR ACUTE LUNG  
INJURY RESULTING FROM INDIRECT  
CAUSES COMPRISING ANTI-IL-8  
ANTIBODY AS ACTIVE INGREDIENT

Art Unit: 1651

Examiner: D. K. Ware

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the non-final Office Action dated October 6, 2004, for which a response was due on January 6, 2005. Filed herewith is a Petition and fee for a three month extension of time, thereby extending the deadline for response to April 6, 2005. Accordingly, this response is timely filed. Reconsideration and allowance of the pending claims, as amended, in light of the remarks presented herein are respectfully requested.

Also included herein is the following Exhibit:

Exhibit A: Ognibene et al., *N. Engl. J. Med.* 315:547-51 (1986) (Abstract).

Exhibit B: Modelska et al., *Am. J. Resp. Crit. Care Med.* 160:1450-56 (1999).